

### **3<sup>RD</sup> VISHWANATH PASAYAT MEMORIAL**

### **NATIONAL MOOT COURT COMPETITION 2025**

#### **MOOT PROPOSITION\***

1. The State of Agartha was about to hold its Eighteenth General Elections in the year 2022. All the parties contesting in the Eighteenth General Elections shared futuristic vision aiming for exponential expansion and development. The citizens of Agartha showed very keen interest in the general elections due to the unique circumstances that were never seen before resulting into an all-time high voter turnout of 75%. ABC party won the elections by receiving a whopping majority of votes around 62% of the entire votes forming its majority Government in the Center.
2. The ABC party had an objective of social distributive justice in their manifesto along with many other optimistic objectives, which was appreciated and welcomed widely by the people of Agartha with high hopes. The Government of Agartha started an initiative of 'Unnati Abhiyan' in the year 2023 in pursuance of the Directive Principles of State Policy as envisaged in the Constitution of Agartha for advancing the welfare of the citizens of Agartha. The Government of Agartha rolled out different schemes aiming at social distributive justice by giving subsidies, allowances, grants etc. to the marginalized segments of the society in all sectors and industries to uplift the marginalized under the 'Unnati Abhiyan'. Large portion of the population of Agartha was benefited from such schemes and it was celebrated as a success for improving the quality of life for millions.
3. XYZ Company Ltd. is a tech giant which was registered in Agartha having its registered head office in the city of Dholavira. XYZ Company Ltd. is the largest social media platform in Asia providing a vast range of services including financial transactional services. It had humongous presence in the virtual world due to its super refined features and user-friendly communication interface. It was having in application registered users to a tune of more than 50 percent of the total population in Agartha.
4. XYZ Company Ltd. was popularly known for its heavy investments in Research & Development and maximal expansion. In seeking so it took huge loans from different lenders. In mid-2023 due to sudden change in global policies there was an acute economic meltdown spreading its shockwaves across the globe. The XYZ Company Ltd. underwent severe financial crisis due to the unprecedented change in global economy and was about to go

bankrupt. Recognizing the augmented significance of XYZ Company Ltd. in economic as well as digital sphere the Government of Agartha took this opportunity and brought out the majority stakes in the XYZ Company Ltd. saving it from going bankrupt and gained control over it.

5. In the year 2025, the Government of Agartha introduced The Digital Personal Data Protection (Amendment) Bill, 2025 in the House of People. The objective of the said bill was to enable for better regulation of the digital space and to uphold the individual rights. The Digital Personal Data Protection (Amendment) Bill, 2025 was classified as a money bill and was passed by the House of People following the procedure that of a money bill. Thereafter it received the assent from the President of Agartha.
6. This led to an abrupt controversy in the State of Agartha due to the swift manner in which The Digital Personal Data Protection (Amendment) Bill, 2025 was passed after being classified as a Money Bill. There was an outrage expressed by different organizations claiming that the said Bill was classified as money bill in order to avoid the scrutiny of Council of States and that the subject matter of the Bill is not covered under Article 110 of the Constitution of Agartha. This was supported by the Opposition leaders fueling the controversy.
7. ETR is an independent organization of non-profit nature which primarily focuses at upholding the civil liberties of individuals, countering the evasive state actions etc. ETR filed a petition under Article 32 of the Constitution of Agartha before the Hon'ble Supreme Court of Agartha challenging the passing of Bill as a money bill and other ancillary issues related to it. The matter is yet to be taken up.
8. The Digital Personal Data Protection (Amendment) Act, 2025 soon after its enactment came into force. Exercising the powers, the Central Government published a notification wherein it was mentioned that after taking into consideration all the relevant factors as envisaged under the law, the XYZ Company Ltd. is notified as a Very Significant Data Fiduciary as per Section 10 of The Digital Personal Data Protection Act, 2023.
9. Invoking the powers under the Act, the Data Protection Officer issued a certificate extending the time period of storing the data by the Data Fiduciary for an additional 10 years from the statutory expiry of the time limit for storing of data.
10. In the meantime, it was noticed by the citizens of Agartha that the government has started issuing notices of debarment from future benefits in connection to 'Unnati Abhiyan' to numerous individuals for wrongfully taking benefits of the schemes that were rolled out as a part of the 'Unnati Abhiyan' citing the reason that internal audits were done and upon proper

scrutiny they reached to such conclusion. Such actions of the government raised many questions.

11. QRT Group is an independent think tank, which after observing that there is a sudden increased trend of the said notices being issued to individuals regarding debarment from all benefits being obtained under the initiative of 'Unnati Abhiyan' as aforesaid. Such action of debarment did not contain any concrete substance which suggested the reason for the impugned debarment except for a superficial reasoning. QRT Group filed an RTI application demanding a response as to on what rational basis an evaluation was done before taking a decision to debar an individual from availing benefits under 'Unnati Abhiyan' and on what data and evidence did they reach to a conclusion that an individual has wrongfully benefitted as alleged. In reply to said RTI Application, it was said that as per Section 10A of the Digital Personal Data Protection Act, 2023 there is no legal requirement to disclose the details in any form.
12. Following that there was a public outrage. The individuals who were debarred from the benefits started protesting voicing that they have been illegally and arbitrarily struck off from availing the benefits. The QRT Group joining the dots, connecting the sequence of gaining control over the XYZ Company Ltd., passing of the Digital Personal Data Protection (Amendment) Bill, 2025, declaration of XYZ Company as Very Significant Data Fiduciary etc. anticipated that such notices were issued based on analyzing the digital data of individuals after the government took control of the XYZ Company. It was also speculated that the Government of Agartha might have used the data of XYZ for taking many other similar actions against the public in other spheres as well. Few high network individuals who had active accounts in XYZ Company made allegations that their social media posts, money etc. was being tracked and some even received tax notices of which separate proceedings were going on though no evidence relating to such was produced.
13. QRT Group filed a petition under Article 32 of the Constitution of Agartha before the Supreme Court of Agartha challenging the Digital Personal Data Protection (Amendment) Act, 2025 for being unconstitutional and violative of fundamental rights as envisaged under Part III of the Constitution. It was also challenged that such non-disclosure of the basis on which such conclusion of wrongly benefitting from the scheme was reached has violated their right to know. That the Digital Personal Data Protection (Amendment) Act, 2025 per se transgressed into the space of the civil liberties as envisaged.
14. Many other petitions were filed under Article 32 of the Constitution of Agartha by different individuals and organizations challenging the Digital Personal Data Protection (Amendment)

Act, 2025 and other allied issues. The Hon'ble Supreme Court of Agartha clubbed all the petitions, admitting them and fixed for hearing. The issues that shall be dealt by during the hearing are as follows:-

1. Whether the classification of Digital Personal Data Protection (Amendment) Bill, 2025 as a money bill is constitutionally viable?
2. Whether the amendments introduced by way of the Digital Personal Data Protection (Amendment) Act, 2025 is arbitrary and unconstitutional?
3. Whether the non-disclosure clause as envisaged under Section 10A of the Act is unconstitutional being violative of the right to information of citizens?
4. Whether the processing of data invoking clause 2 of the Schedule-1 under the guise of Section 7 is constitutionally valid?

Note Below:-

- i. For the purpose of this competition, it shall be assumed that the Digital Personal Data Protection Act, 2023 has come into force from 12<sup>th</sup> of August, 2023.
- ii. The Constitution of Agartha shall be construed as Constitution of India, 1950 for the purpose of this competition.
- iii. All the laws of State of Agartha is *pari materia* with the laws of India.

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\*This Proposition was drafted by Mr. H Subhash Chandra Dora, Advocate [Former Research Assistant to the Hon'ble Chief Justice, Orissa High Court; LL.M. (Constitutional Law) National Law University Odisha].

Any form of communication to the drafter of this proposition shall lead into immediate disqualification.

## **ANNEXURE -1**

### **The Digital Personal Data Protection (Amendment) Act, 2025**

#### ***Amendment of Section 10***

1. In Subsection (1) of Section 10, “Very Significant Data Fiduciary” be added after the words “Significant Data Fiduciary”
2. After Section 10(2), shall be inserted as follows
  - “10(3)(i) Taking into consideration the factors as mentioned in sub section (1) of this Section or any other relevant factors, the Central Government may notify any Data Fiduciary or class of Data Fiduciaries as ‘Very Significant Data Fiduciary’.
  - (ii) The Very Significant Data Fiduciary shall follow the requisites similar to Significant Data Fiduciary as prescribed in subsection (2) of this Section
  - (iii) Notwithstanding anything contained in this Act or any other law in force the Very Significant Data Fiduciary shall be guided by the provisions that are prescribed in the Schedule-1
  - (iv) Any amendments related to the Schedule-1 as envisaged in Section 10(3)(iii) of this Act shall be carried out by means of a notification duly published by the Central Government”

#### ***Insertion of Section 10A – Disclosure***

“Notwithstanding anything in this act or any other law in force the Data Protection Officer as appointed in a Very Significant Data Fiduciary or any other official shall not be liable to make any disclosure related to the records maintained by her and shall not be liable under the purview of the Right to Information Act, 2005.”

#### ***Insertion of Section 10B - Appointment of Adjudicating Officer***

“Any grievance related to Very Significant Data Fiduciary shall be dealt by the Adjudicating Officer which shall be appointed by the Central Government. Any proceeding which is initiated as a result of such grievance shall be conducted as an in-house proceeding.”

#### ***Schedule -1 – shall be inserted after “The Schedule”***

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#### **SCHEDULE-1**

1. The Very Significant Fiduciary shall store data provided by the Data Principal till such an extended time period as may be deemed necessary by means of issuing a



certificate by the Data Protection Officer as appointed mentioning the extended time period.

2. The State exercising Section 7 of this Act can direct the Very Significant Fiduciary through the Data Protection Officer to process any data as per the requirement.
3. The records of any manner of processing of Data under clause 2 of this schedule shall be maintained by the Data Protection Officer.
4. In case of any inconsistency with any provision of this Act or any other law in force, the provisions as laid down in this Schedule shall override and prevail over.”

